

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 4:18-cv-00207-SEB-DML
)	
1855.6 POUNDS OF AMERICAN)	
PADDLEFISH MEAT)	
(ASSET IDENTIFICATION)	
NUMBER: 17-FWS-000019) and)	
982.34 POUNDS OF)	
AMERICAN PADDLEFISH CAVIAR)	
(ASSET IDENTIFICATION)	
NUMBER: 17-FWS-000017))	
)	
Defendant.)	

NOTICE OF NO OBJECTION
TO GOVERNMENT'S MOTION FOR ORDER ALLOWING INTERLOCUTORY
SALE OF PROPERTY AND SUBSTITUTION OF RES

Plaintiff United States of America, by counsel, Josh J. Minkler, United States Attorney for the Southern District of Indiana, and Nicholas Linder, Assistant United States Attorney, hereby provides notice to the Court that the putative owner of the above-captioned property has informed the Government, through counsel, that he has no objection to the Government's Motion for Interlocutory Sale of Property and Substitution of Res (Dkt. No. 3), as follows:

1. ***Background.*** On November 13, 2018, the United States filed the instant forfeiture action against the above-captioned property to seek Court authorization for an interlocutory sale of the property because the property is perishable. The property was seized on May 10, 2017 by the U.S. Fish and Wildlife Service (USFWS) during execution of a Search and Seizure Warrant at Ohio Valley Caviar LLC. The proceeds of the interlocutory sale will be held by the U.S. Marshal's Service until the resolution of the instant civil forfeiture action or any related criminal

investigation. Thus, the goal of the instant action and Motion for Interlocutory Sale (Dkt. No. 3) is to preserve the monetary value of the above-captioned perishable asset.

2. ***No Objection.*** Following the filing of the instant action and the Government's Motion for Interlocutory Sale of Property, counsel for Joseph Schigur, owner of Ohio Valley Caviar LLC, which is the putative owner of the above-captioned property, contacted counsel for the United States via facsimile and stated that Mr. Schigur has no objection to the relief requested in the Government's Motion for Interlocutory Sale of Property. A copy of counsel's facsimile is attached to this Notice as Exhibit A.

3. ***Request for Expedited Consideration.*** Because this action concerns a perishable asset, and because there is no objection to the requested relief, the United States respectfully requests the Court consider its Motion for Interlocutory Sale of Property as soon as practicable.

WHEREFORE, the United States respectfully request that this Court grant its now-Unopposed Motion and enter an Order Allowing Interlocutory Sale of Property and Substitution of Res, providing for the sale of the specified American Paddlefish meat and caviar by the United States Marshals Services according to the procedures outlined in the Motion.

Respectfully submitted,

JOSH J. MINKLER
United States Attorney

By: /s/ Nicholas J. Linder
Nicholas J. Linder
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2018, a copy of the foregoing Notice of No Objection to Government's Motion for Order Allowing Interlocutory Sale of Defendant Property and Substitution of Res was filed electronically. Service of this filing will be made on all ECF-registered counsel by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Nicholas J. Linder

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